

Utah Solid and Hazardous Waste Control Board Meeting  
Utah Department of Environmental Quality  
195 North 1950 West (Conference Room #1015) SLC, Utah  
September 12, 2013  
1:30 p.m.

**Board Members Present:** Kevin Murray (Chair), Dennis Riding (Vice-Chair), Eugene Cole, Jeff Coombs, Mark Franc, Brett Mickelson, Amanda Smith, Shane Whitney and Dwayne Woolley

**Board Members Absent:** None

**Staff Members Present:** Scott Anderson, Brent Everett, Therron Blatter, Edward Costomiris, Karen Keller, Arlene Lovato, Terry Montgomery, Deborah Ng, Don Verbica, Otis Willoughby and Raymond Wixom

**Others Present:** Kerry Cramer, David Gibby, Lon Griffith, Sean McCandless, Tim Orton, Vern Rogers, Dan Shrum and Shane Whitney

**I. Call to Order.**

Kevin Murray (Chair) called the meeting to order at 1:33 p.m.

**II. Approval of the Meeting Minutes for the June 13, 2013 Board Meeting.**

**It was moved by Brett Mickelson and seconded by Dwayne Woolley and UNANIMOUSLY CARRIED to approve the June 13, 2013 Board meeting minutes.**

**III. Underground Storage Tanks Update.**

Brent Everett informed the Board that the preliminary cash balance of the Petroleum Storage Tank (PST) Trust Fund at the end of August 2013 was \$11,993,447.00. The actual cash balance of the PST Trust fund at the end of July 2013 was \$12,136,099.00. The Division of Environmental Response and Remediation (DERR) will continue to watch the cash balance to ensure sufficient coverage for the petroleum release liabilities that are covered by the PST Trust Fund.

Mr. Everett also updated the Board on the PST Viability study that was legislatively directed to be completed by the DERR this year. Pinnacle Actuarial is conducting the study. A draft report is scheduled to be completed the end of September 2013. The final actuarial review report of the PST Fund and additional elements requested by the Legislature is due October 31, 2013. The findings of the study will be reported to the Legislative Interim Committee in November 2013.

Mr. Everett informed the Board that Wind River has made a request for agency action regarding the Corrective Action Plan which was conditionally approved by the DERR Director for the release from the Top Stop located in Gunnison, Utah. An administrative law judge has been appointed to review the request. Prior to the passage of SB11 in the 2012 Legislative Session, this request would have been brought before the Board.

During the 2013 legislative session, there was a statute change regarding the Underground Storage Tank (UST) program. This change allows DERR to place a red tag on USTs that are not in compliance. This tag prohibits fuel delivery to a tank that has a red tag. This change was due to requests from the industry to look at the previous green tag process which required a green tag to be placed on a tank to show compliance in order to receive fuel deliveries. There was a replacement fee of \$25.00 each time a green tag was lost. The

change to a red tag for a tank that is not in compliance verses a green tag for a tank that is in compliance is a cost savings for both the industry and the DERR. The new fee schedule for Utah Department of Environmental Quality (UDEQ) has proposed to drop the \$25.00 replacement fee for a green tag and institute a \$500.00 fee for the replacement of a red tag if it is removed without authorization. The \$500.00 is tied to the cost that it would take for DERR personnel to go into the field, replace a red tag and process the paperwork to show that a red tag has been replaced. The DERR does not anticipate having to assess this fee often. The UDEQ fee hearing was held this past week. This fee has also been discussed with the UST Advisory Task Force to solicit input. The proposed fee schedule will be considered by the Legislature in the 2014 Session.

Dwayne Woolley asked how DERR would know if a red tag had been removed in order to assess the fee.

Mr. Everett responded that the DERR could be notified through inspections or individuals that are delivering fuel. It is possible that the DERR will not know until after the fact.

Dennis Riding noted the fee discussed by the UST Advisory Task Force was lower. He wanted to know if the DERR had reevaluated the cost of replacement.

Mr. Everett stated that the \$500.00 amount was based on the greatest cost to replace a tag. The fee is also consistent with penalties within the statute. While this is not a penalty, it is a consistent value related to other infractions that may occur at a facility.

#### **IV. Hazardous Waste Section.**

##### **A. EnergySolutions LLC request for a site-specific treatment variance. (Board Action Item)**

Otis Willoughby, Environmental Scientist, Hazardous Waste Section, informed the Board that EnergySolutions LLC has requested a one-time, site-specific treatment variance for management of mixed waste at its Mixed Waste Facility. Since a Board meeting was not held in August, the variance request was presented for the first time with a request for Board action.

Tim Orton, EnergySolutions, informed the Board that it has approved EnergySolutions to accept this type of waste from this generator over the past several years (2007-2012). This waste stream has been shipped to EnergySolutions at a slow continuous rate and the variance request is for the ongoing processing and disposal of the waste. EnergySolutions will disposal of approximately 900 cubic feet of waste from the DOE facility.

The request is to continue receiving cemented monoliths containing enriched uranium residuals. This material retains characteristic hazardous waste codes for barium, cadmium, chromium, and lead, and listed hazardous waste codes F001, F002, F005, D005, D006, D007, and D008. EnergySolutions proposes to treat this waste by macroencapsulation in the Mixed Waste Landfill cell rather than chemical stabilization as required.

This request is based on the fact that the waste has been already been encapsulated in concrete at the generator's site. Treating this waste by the required method would require grinding the waste and potentially exposing workers to unnecessary contamination. The proposed treatment will further encapsulate the waste and protect it from contact with precipitation, thereby decreasing the potential of leaching.

Marc Franc asked what kind of cement is used in macroencapsulation, which involves putting the waste into 2 ½ gallon containers, placing the containers in a 16-gallon monolith and filling the void spaces with cement.

Mr. Orton explained that the generator encapsulates the waste in concrete for security reasons, prior to it being shipped to EnergySolutions. This waste meets all the licensing conditions required for radioactive waste to be disposed at the facility. Mr. Orton further explained that the waste is placed in the landfill in specially designed vaults with special non-permeable cement developed by EnergySolutions, which has been approved by the Division. When the waste arrives at EnergySolutions, it will be placed in special vaults and cemented over with Portland cement, which contains other amenities to make it less permeable and more robust so it will not crack or break.

Dwayne Woolley asked if the placement of the waste in 16-gallon monoliths is a requirement or if there are other options to treat the waste. Mr. Orton explained that DOE will not allow the waste to leave their facilities, except through the established method discussed above. The waste is also handled in this manner for transportation purposes.

A 30-day public comment period began on August 13, 2013 and concluded on September 11, 2013. No comments were received. A public hearing was held on August 28, 2013. No comments were received. The Director recommends approval of this request.

**It was moved by Marc Franc and seconded by Dennis Riding and UNANIMOUSLY CARRIED to approve *EnergySolutions*' request for a site-specific treatment variance.**

## **V. Certified Clandestine Drug-Lab Decontamination Specialist Program Overview.**

Karen Keller, Division of Environmental Response and Remediation, gave an overview of the Division's Clandestine Drug Lab Decontamination Certification Program. A copy of the presentation is included in the minutes.

## **VI. Director's Report.**

Scott Anderson reviewed recent changes in staff/manager assignments in the various programs of the Division. The changes will give current staff members and managers an opportunity to learn new programs, take on new assignments, and provide cross-training opportunities. This will help develop and maintain the needed expertise to implement the various programs in the Division as program needs change and staff members retire. A new organizational chart was given to Board members. (A copy is available in the meeting minutes.) The new staff assignments became effective earlier this month.

Mr. Anderson reviewed the Recycling/Outreach Program. This program provides information to public associations, trade groups, high schools, and any other interested organizations regarding the recycling of used oil and other materials.

Mr. Anderson reported that Deborah Ng, Manager of the Recycling/ Community Outreach Program is directing a major revision of the Used Oil Rules. This effort is intended to clarify and simplify the current rules. Draft rules have been distributed to stakeholders for comment and an assessment of those comments is now underway. It is anticipated that the proposed rule changes will be presented to the Board for formal rulemaking in the near future.

Mr. Anderson informed the Board that Energy Recycling Technologies LP received a permit to operate a tire pyrolysis facility. This facility will thermally treat tires to produce oil which will be processed into alternative diesel, alternative gasoline, and heavy residual oil to be sold as commodities.

An application for a Construction Demolition (C&D) Permit received from the Mountain View Landfill is currently under review.

Mr. Anderson gave a brief update on the corrective action activities at Anderson Geneva, which recently held an open house to outline its vision for the future. There are approximately 200 solid waste management units scattered over the site (1,800 acres), which will be assessed and remediated, depending on future land use. The trigger for the corrective action activities at this facility is the permit obtained many years ago by U.S. Steel for three hazardous waste surface impoundments that are now closed in place. This site contains a series of groundwater monitoring wells and contamination continues to be monitored under site management plans.

Mr. Anderson informed the Board that a draft hazardous waste storage and treatment permit has been prepared for the Utah Test and Training Range. The range is used by Hill Air Force Base for training. This permit includes provisions for open burning/open detonation of waste explosives and other energetics. A public comment period is currently underway.

## **VII. Other Business.**

The next Board meeting is scheduled for October 10, 2013 at 1:30 p.m. in the UDEQ Conference Room #1015.

Dwayne Woolley asked the Board to consider holding the March 13, 2014 Board meeting in St. George, Utah in conjunction with the Solid Waste Association of North America (SWANA) meetings. Scott Anderson informed the Board that, over the years, Board meetings have been held at other locations around the state, and if the Board desires, the logistic and reimbursement matters could be handled to accommodate a meeting in St. George.

Mr. Anderson noted that tours of various solid waste management facilities located in the St. George area could be considered if Board members were interested. Also, meeting in a different location will allow individuals in this area of the state, including local health department staff members, the opportunity to attend a Board meeting.

All Board members were supportive of having the March 13, 2014 Board meeting in St. George, Utah in conjunction with the SWANA meetings.

Mr. Anderson also reminded the Board that it is required to meet once during the 2014 legislative session, either February or March 2014.

A brief discussion took place regarding the 2014 Legislative Session. Mr. Anderson informed the Board of the following matters that may be addressed during the 2014 Legislative Session: (1) Relocation of the Stericycle Medical Incinerator located in North Salt Lake; (2) Paint Stewardship Program to develop and fund a program for the management and disposal of waste paint; (3) Additional statutory authority to permit certain waste management facilities associated with the oil and gas exploration industry.

## **VIII. Adjourn.**

The meeting adjourned at 2:30 p.m.